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IN THE CLAIMS:

Please amend the claims as follows:

1. (CANCELLED)

2. (CURRENTLY AMENDED) A therapeutic agent delivery implant for implantation into a patient's body, said implant consisting essentially of:

a resilient ~~or flexible, at least partially hydrophobic~~ reticulated elastomeric support foam matrix scaffold formed from a polyurethane polymer selected from the group consisting of polycarbonate polyurethane, or polycarbonate-polysiloxane polyurethanes, polysiloxane polyurethanes, polycarbonate-hydrocarbon polyurethanes, and mixtures of two or more thereof; and

a hydrophilic coating arranged on said scaffold,

wherein said coating contains one or more therapeutic agents for release within the patient and wherein at least one of the one or more therapeutic agents is contained within microspheres in the coating.

3. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the scaffold comprises at least one therapeutic agent.

4. (CANCELLED)

5. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the scaffold is biodurable.

6. (CANCELLED)

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7. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein one or more of the therapeutic agents are enzymes.

8. (CANCELLED)

9. (ORIGINAL) The implant of Claim 2, wherein the coating comprises a hydrophilic polyurethane.

10. (CURRENTLY AMENDED) The implant of Claim 2, wherein the one or more therapeutic agents are selected from the group consisting of a pharmaceutical, a growth factor, an enzyme, RNA, DNA, a nucleic acid, and a vector~~, and mixtures of two or more thereof~~.

11. (PREVIOUSLY PRESENTED) The implant of Claim 2 which has a hemispherical, bullet, football, cylindrical, spherical, or irregular shape.

12. (ORIGINAL) The implant of Claim 11 which is spaghetti-shaped.

13 to 60. (CANCELLED)

61. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the scaffold comprises a biodurable, resilient, compressible, elastomeric reticulated matrix.

62. (CANCELLED)

63. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the scaffold can be compressed during delivery and can recover to a working size and configuration *in situ* at the implantation site.

64. (PREVIOUSLY PRESENTED) The implant of Claim 9 which after recovery to a working size and configuration is similar to a size and shape before compression.

65. (PREVIOUSLY PRESENTED) The implant of Claim 9 which can be retrieved and withdrawn from the patient's body.

66. (PREVIOUSLY PRESENTED) The reticulated implant of Claim 2 which allows for substantial fluid permeability, good flow through characteristics and access for body fluid to the drug bearing surfaces.

67. (PREVIOUSLY PRESENTED) The reticulated implant of Claim 2 which facilitates transport of therapeutic agent or that is secured to and/or supported by the scaffold.

68. (PREVIOUSLY PRESENTED) The implant of claim 2, wherein the scaffold comprises polycarbonate polyurethane.

69. (CANCELLED)

70 - 71. (CANCELLED)

72. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the coating comprises a foam.

73. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the coating comprises a film.

74. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the coating comprises a hydrogel.

75. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the coating comprises a biodegradable polymer.

76. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the coating comprises a non-biodegradable polymer.

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77. (CANCELLED)

78. (CANCELLED)

79. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the foam matrix scaffold comprises interconnected pores and the average diameter or other largest transverse dimension of the pores is from about 50 μm to about 2000 μm.

80. (PREVIOUSLY PRESENTED) The implant of Claim 79, wherein the average diameter or other largest transverse dimension of the pores is from about 50 μm to about 800 μm.

81. (PREVIOUSLY PRESENTED) The implant of Claim 80, wherein the average diameter or other largest transverse dimension of the pores is from about 100 μm to about 500 μm.

82. (PREVIOUSLY PRESENTED) The implant of Claim 2, wherein the foam matrix scaffold has a void phase of at least 50% by volume of the volume of the scaffold.

83. (PREVIOUSLY PRESENTED) The implant of Claim 82, wherein the void phase of the foam matrix scaffold is from about 70% to about 99% of the volume of the scaffold.

84. (CURRENTLY AMENDED) A therapeutic agent delivery implant for implantation into a patient's body, said implant consisting essentially of:

a resilient ~~or flexible, at least partially hydrophobic~~ reticulated elastomeric support foam matrix scaffold formed from a polyurethane polymer selected from the group consisting of polycarbonate polyurethane, or polycarbonate-polysiloxane polyurethanes, polysiloxane polyurethanes, polycarbonate-hydrocarbon polyurethanes, and mixtures of two or more thereof; and

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a hydrophilic coating arranged on said scaffold,

wherein said coating contains one or more therapeutic agents for release within the patient and wherein the coating comprises a biodegradable polymer.

85. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the scaffold comprises at least one therapeutic agent.

86. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the scaffold is biodurable.

87. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein one or more of the therapeutic agents are enzymes.

88. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the coating comprises a hydrophilic polyurethane.

89. (CURRENTLY AMENDED) The implant of Claim 84, wherein the one or more therapeutic agents are selected from the group consisting of a pharmaceutical, a growth factor, an enzyme, RNA, DNA, a nucleic acid, and a vector~~, and mixtures of two or more thereof~~.

90. (PREVIOUSLY PRESENTED) The implant of claim 84 which has a hemispherical, bullet, football, cylindrical, spherical, or irregular shape.

91. (PREVIOUSLY PRESENTED) The implant of claim 90 which is spaghetti-shaped.

92. (PREVIOUSLY PRESENTED) The implant of claim 84, wherein the scaffold comprises a biodurable, resilient, compressible, elastomeric reticulated matrix.

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93. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the scaffold can be compressed during delivery and can recover to a working size and configuration *in situ* at the implantation site.

94. (PREVIOUSLY PRESENTED) The implant of Claim 93 which after recovery to a working size and configuration is similar to a size and shape before compression.

95. (PREVIOUSLY PRESENTED) The implant of Claim 93 which can be retrieved and withdrawn from the patient's body.

96. (PREVIOUSLY PRESENTED) The implant of Claim 84 which allows for substantial fluid permeability, good flow through characteristics and access for body fluid to the drug bearing surfaces.

97. (PREVIOUSLY PRESENTED) The implant of Claim 84 which facilitates transport of therapeutic agent or that is secured to and/or supported by the scaffold.

98. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the scaffold comprises poly-carbonate polyurethane.

99. (CANCELLED)

100. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the coating comprises a foam.

101. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the coating comprises a film.

102. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the coating comprises a hydrogel.

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103. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the coating comprises a non-biodegradable polymer.

104. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the foam matrix scaffold comprises interconnected pores and the average diameter or other largest transverse dimension of the pores is from about 50 μm to about 2000 μm.

105. (PREVIOUSLY PRESENTED) The implant of Claim 104, wherein the average diameter or other largest transverse dimension of the pores is from about 50 μm to about 800 μm.

106. (PREVIOUSLY PRESENTED) The implant of Claim 104, wherein the average diameter or other largest transverse dimension of the pores is from about 100 μm to about 500 μm.

107. (PREVIOUSLY PRESENTED) The implant of Claim 84, wherein the foam matrix scaffold has a void phase of at least 50% by volume of the volume of the scaffold.

108. (PREVIOUSLY PRESENTED) The implant of Claim 107, wherein the void phase of the foam matrix scaffold is from about 70% to about 99% of the volume of the scaffold.

109. (PREVIOUSLY PRESENTED) A therapeutic agent delivery implant for implantation into a patient's body, said implant consisting essentially of:

a resilient or flexible, at least partially hydrophobic reticulated elastomeric support foam matrix scaffold formed from a polyurethane polymer selected from the group consisting of polycarbonate polyurethane, or polycarbonate-polysiloxane polyurethanes, polysiloxane polyurethanes, polycarbonate-hydrocarbon polyurethanes, polycarbonate-hydrocarbon polyurethane-ureas, and mixtures of two or more thereof; and

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a hydrophilic coating arranged on said scaffold,

wherein said coating contains one or more therapeutic agents for release within the patient.

110. (PREVIOUSLY PRESENTED) The implant of claim 109, wherein the scaffold comprises polycarbonate polyurethane.

111. (NEW) A therapeutic agent delivery implant for implantation into a patient's body, said implant consisting essentially of:

a resilient reticulated elastomeric support foam matrix scaffold formed from a polyurethane polymer; and

a hydrophilic coating arranged on said scaffold,

wherein said coating contains one or more therapeutic agents for release within the patient and wherein the scaffold comprises polycarbonate polyurethane formed from an isocyanate component comprising a mixture of at least 5 to 50 % by weight of 2,4'-MDI and 50 to 95 % by weight of 4,4'-MDI with the functionality of the isocyanate being about or greater than 2.

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